

## REMARKS

The Non-Final Office Action, dated October 28, 2008, considered claims 4, 13, 16, and 35-40. Claims 4, 13, 16 and 35-40 were rejected under 35 U.S.C. § 103(a) as being obvious over Kennedy, U.S. Patent No. 6,134,582, (filed May 26, 1998) (hereinafter Kennedy), in view of Ingraham, et al., U.S. Patent No. 7,024,430 (filed Jun. 21, 2002) (hereinafter Ingraham).<sup>1</sup>

By this response, claims 35 and 36 are amended such that claims 4, 13, 16, and 35-40 remain pending.<sup>2</sup> (Please note that the amendments presented herein are applied to the claims as presented in Amendment "C" which was filed on Aug. 18, 2008.) Claims 35 and 36 are independent claims which remain at issue. Support for the amendments may be found within Specification ¶¶ 20-32.<sup>3</sup>

As reflected in the claims, the present invention is directed generally toward a method and a corresponding computer program product for implementing the method which are adapted for use in a computing network comprised of interconnected servers for transferring messages among the servers. The network also comprises a plurality of client side devices for accessing the servers and downloading messages. Claim 35 recites, for instance, in combination with all the elements of the claim, a method which uses client-side tracking to allow a client side device to efficiently determine which messages need to be downloaded for filtering at the client side device. Essentially, most of the filtering operations occur before the messages are downloaded.

The method of claim 35 comprises setting at a client side computing device a filter criteria for new messages and receiving a list that identifies all the messages maintained at a server. The device then retrieves a message store table which contains records identifying each message which has previously met the filter criteria and has been placed in a message store. The device also retrieves a checked table that contains records identifying each message which has

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<sup>1</sup> Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

<sup>2</sup> The amendments and remarks presented herein are consistent with the claims as were discussed with Examiner Zhang by telephone by patent attorney Thomas Bonacci (reg. no. 63,368). Please also note that these claims are consistent in scope with those discussed by telephone with the Examiner. However, as discussed, minor adjustments to the form of the claims in order recite certain limitations in a "positive" manner have been made.

<sup>3</sup> Please note that the paragraph numbers are taken from the published application, U.S. Pat. Pub. 2005/0223085 (Oct. 6, 2005). Please also note that the present invention and claims as recited take support from the entire Specification. As such, no particular part of the Specification should be considered separately from the entirety of the Specification.

been checked against the filter criteria but was found to not meet the filter criteria. (The two tables, the store table and the checked table essentially keep track of all the messages which are either already stored or which have already been checked and have been found not to meet the criteria to download.)

The list that identifies all messages is compared with the message store table and it is determined if the messages have already been placed in the message store. This list that identifies all messages is also compared with the checked table and it is determined if each message has already been checked and previously found to not meet the filter criteria.

The messages which do not correspond to a record in the message store table (i.e., have not already been stored) and which do not correspond to a record in the checked table (i.e., have not already been found to not meet the filter criteria) are then downloaded. This ensures that downloading is limited only to new messages as determined by the message store table and messages which have not already been checked as indicated by the checked table. Flags for records in the message store table and the checked table are unmarked for records that already correspond to messages identified in the list that have been previously identified in either of the tables.

The newly downloaded messages are checked against the filter criteria and a record is added to the message store table if the filter criteria is met and a record is added to the checked table if the filter criteria is not met.

#### **Claim Rejections Under 35 U.S.C. § 103(a):**

Independent claims 35 and 36 were rejected under 35 U.S.C. § 103 as being unpatentable in view of Kennedy and in view of Ingraham.<sup>4</sup> The independent claims have now been amended and the Applicants submit that the cited art fails to teach or suggest all the limitations of the claims as now presented.

In particular, the cited art, considered individually and in combination, fails to teach or suggest independent claim 35, taken as a whole, which recites:

In a computing network comprised of a plurality of interconnected servers for transferring messages among the interconnected servers, and wherein at least

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<sup>4</sup> Office Comm. p. 3.

some of the servers use a communication protocol that is not configured for communicating filtering information to the server, and wherein the computing network also comprises a plurality of client side computing devices for accessing the servers and downloading messages, a method of using client-side tracking mechanisms to allow a client side computing device to efficiently determine which messages need to be downloaded from the at least some servers for filtering at the client side computing device, so that essentially most of the filtering operations occur before the messages are downloaded, the method comprising:

setting at a client side computing device a filter criteria for new messages;  
receiving at the client side computing device a list that identifies all messages maintained at least one server using a communication protocol that is not configured for communicating filtering information to the server;

retrieving at the client side computing device a message store table that contains records identifying each message which has previously met the filter criteria and has been placed in a message store, and marking each record with a flag;

retrieving at the client side computing device a checked table, the checked table comprising records identifying each message which has been checked against the filter criteria and has been found to not met the filter criteria, and marking each record with a flag;

comparing the messages identified in the received list for all messages maintained at the at least one server with the records contained in the message store table and, for each message, determining if the message has already been placed in the message store;

comparing the messages identified in the received list for all messages maintained at the at least one server with the records contained in the checked table and, for each message, determining if the message is in the checked table, the checked table comprising records identifying messages having already been checked against the filter criteria and having been found to not met the filter criteria;

then downloading to an inbox at the client side computing device all messages from the list that do not already correspond to a record in either the message store table or the checked table, so that download time is limited only to all new messages as determined from the message store table and the checked table;

unmarking the flags for all records contained in either the message store table or the checked table that already correspond to those messages identified in the list that have been previously identified in either of the tables;

checking all new messages downloaded against the filter criteria, and either adding a new unmarked record to the message store table if the filter criteria is met, or else adding a new unmarked record to the checked table if the filter criteria is not met; and

removing any remaining records with marked flags in the message store table and the checked table.

The cited art also fails to teach or suggest particular elements and limitations of claim 35 (as recited and considered in combination with all the other elements of the claim).

Notably, the cited prior art fails to teach or suggest retrieving at the client side computing device a message store table that contains records identifying each message which has previously met the filter criteria and has been placed in a message store, and marking each record with a flag. The prior art also fails to teach or suggest retrieving at the client side computing device a checked table, the checked table comprising records identifying each message which has been checked against the filter criteria and has been found to not met the filter criteria.

The prior art also fails to teach or suggest comparing the messages identified in the received list for all messages maintained at the at least one server with the records contained in the message store table and, for each message, determining if the message has already been placed in the message store.

The prior art also fails to teach or suggest comparing the messages identified in the received list for all messages maintained at the at least one server with the records contained in the checked table and, for each message, determining if the message is in the checked table, the checked table comprising records identifying messages having already been checked against the filter criteria and having been found to not met the filter criteria.

In view of at least the distinctions noted, *inter alia*, the Applicants submit that the prior art fails to teach or suggest all the limitations of the invention as now recited in independent claim 35 and therefore a rejection under 35 U.S.C. § 103 in view of Kennedy and in view of Ingraham would be improper and should be withdrawn. Accordingly, the Applicants respectfully request favorable reconsideration of independent claim 35 as now presented.

Independent claim 36 recites a computer program product embodiment of the method of claim 35. Correspondingly, the distinctions over the cited art noted above with respect to claim 35 apply also to claim 26. Accordingly, because of the distinctions noted, *inter alia*, the Applicants submit that the prior art fails to teach or suggest all the limitations of the invention as now recited in claim 36 and therefore a rejection under 35 U.S.C. § 103 in view of Kennedy and in view of Ingraham would be improper and should be withdrawn. Correspondingly, the Applicants respectfully request favorable reconsideration of independent claim 36 as now presented.

In view of the foregoing, the Applicants respectfully submit that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicants acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicants reserve the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicants specifically request that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event the Examiner finds any remaining impediment to allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at 801-533-9800.

Dated this 16<sup>th</sup> day of March, 2009.

Respectfully submitted,



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